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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
vs.  
  
Samuel Bateman, et al.,  
  
Defendants.

No. CR-22-08092-PCT-SMB

**UNITED STATES' NOTICE OF  
INTENT TO RELY UPON EXPERT  
WITNESS TESTIMONY BY FBI CART  
FORENSIC EXAMINERS**

**– AND –**

**REQUEST FOR DEFENSE NOTICE  
AND DISCOVERY**

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) and Federal Rules of Evidence 702, 703, and 705, the United States notices its intent to use witness testimony by FBI Computer Analysis Response Team (“CART”) forensic examiners during its case-in-chief and/or rebuttal at trial. The United States intends to present testimony by Master Digital Forensic Examiner Anita Shah; Senior Digital Forensic Examiner Joseph P. Shramovich III; Special Agent and Digital Forensic Examiner J. Patrick Cullen; and Special Agent and Digital Forensic Examiner Joshua B. Arndt. Although the expected

1 testimony may not be “expert” testimony under Rules 702, 703, 704, and 705, the  
2 government provides this notice in an abundance of caution.

3 As set forth below, the forensic examiners are expected to testify about the  
4 examinations of, and the extraction of data from, electronic devices collected in this  
5 investigation. They are also expected to authenticate certain items found on the electronic  
6 devices, which the government may seek to admit as exhibits at trial. The government will  
7 disclose a draft list of such items in compliance with the Court’s Amended Scheduling  
8 Order.

9 In addition to testimony concerning forensic examinations, the witnesses will offer  
10 testimony about how cell phones and the internet work, and how the users of the devices  
11 in this case used cellular networks and the internet to communicate. Special Agent Cullen  
12 is also expected to testify about: (1) the Signal encrypted messaging service; and (2) how  
13 emails are transmitted and how an email message sent by jomiebee@gmail.com was  
14 transmitted interstate.

15 The witnesses’ reports (including device extraction reports) and notes have been  
16 produced in discovery to defense counsel. Their curricula vitae (CVs) have been provided  
17 to defense counsel via email. The witnesses’ CVs include their qualifications and lists of  
18 cases in which they have testified during the previous four years. None of the witnesses  
19 have authored any “publications” within the meaning of Federal Rule of Criminal  
20 Procedure 16(a)(1)(G)(iii) within the previous 10 years.

21 **I. Expected Testimony and the Bases and Reasons**

22 **A. Forensic Examinations and Related General Testimony**

23 The above-listed forensic examiners will testify based on their examination of the  
24 digital evidence in this case and their training, education, experience, and expertise as  
25 outlined in their CVs. The witnesses will describe their training and experience in  
26 conducting forensic examinations on electronic devices (like computers, tablets, and cell  
27 phones) and electronic storage devices (like hard drives, USB thumb drives, and SD cards).  
28

1           The witnesses will describe their familiarity with the FBI-approved forensic  
2 software used in this investigation, such as Cellebrite, Greykey, FTK, and AD Lab. The  
3 witnesses will explain that their training to be forensic examiners includes being trained in  
4 using FBI-approved forensic software to analyze electronic devices. The witnesses will  
5 explain how FBI personnel analyzed the devices in this case and will explain the steps  
6 taken to protect the integrity of the data pulled from the devices using approved tools. The  
7 witnesses may describe how review or analysis will not occur to the original device after  
8 it is imaged with a verified copy of the data, and that only the copy set is used for analysis  
9 to maintain the integrity of the original data.

10           The witnesses will also testify regarding all aspects of the reports that were  
11 generated when they extracted data from the devices, which have been provided to the  
12 defendants in discovery. For instance, the witnesses may discuss the internet capability of  
13 a device; the user accounts found on the device; associated cell phone service providers  
14 and cell phone numbers; contacts; applications; and associated files. They will testify  
15 about stored and deleted information found on the devices. They will testify that certain  
16 items—such as documents, emails, messages, photos, audio files, and videos files—were  
17 found on the devices. The witnesses will testify about the dates and times those items were  
18 created and/or transmitted and the meaning of the metadata associated with the items. The  
19 witnesses may further testify about location data found on the devices and how that data is  
20 generated. The witnesses may also testify about other artifacts on the devices that are  
21 attributable to a particular user.

22           The witnesses are familiar with the various applications people commonly use and  
23 will testify about which applications were installed on certain devices (such as the Signal  
24 application) and when they were installed or uninstalled. The witnesses may further testify  
25 about the reasons data sometimes cannot be extracted from devices. The witnesses will  
26 testify what is means to “wipe” or “factory reset” a phone, and that data cannot be  
27 recovered from a phone that has been factory reset.  
28

1 The witnesses will testify about how mobile devices transmit and receive  
2 communications using cellular or mobile networks and will explain what cellular networks  
3 are and how they work. Cellular networks are used transmit data between devices,  
4 including to make voice calls and send and receive text and multimedia messages.

5 The forensic examiners will discuss their knowledge about the internet, including  
6 that it is a worldwide network of connected computers used for various purposes including  
7 commerce. The witnesses are familiar with how users access the internet, which requires  
8 an electronic device capable of accessing the internet. Computers, tablets, cell phones, and  
9 other devices can have this capability. The witnesses are familiar that users access  
10 browsers or applications to view, send, and receive information over the internet. Some  
11 electronic devices, like smartphones and tablets, can be used to conduct “video calls” or to  
12 transmit live video over the internet. The witnesses will testify how the users of devices  
13 collected in this case used the internet to communicate.

14 The examiners are familiar with the concept of “UTC” time (Coordinated Universal  
15 Time), which is the basis for how time is universally measured. In this case, the timestamp  
16 on some of the electronic records is in UTC time, which is seven hours ahead of Arizona’s  
17 time zone.

## 18 **B. Signal**

19 Special Agent Cullen is also expected to testify about Signal, a messaging  
20 application installed on many of the devices in this case. Signal data is end-to-end  
21 encrypted, which means only users involved in a communication can see the  
22 communication. Special Agent Cullen will testify that Signal is not pre-loaded on devices  
23 and must be downloaded by a device user. Signal can be used on internet-capable mobile  
24 devices as well as internet-capable computers.

25 Special Agent Cullen will testify about the capabilities users have within the Signal  
26 application. For instance, a user creates a Signal account by providing a phone number  
27 which is verified by Signal. A user can identify him or herself to others on Signal using a  
28 phone number and/or a username created by the user. A user can change or delete his or

1 her username. Special Agent Cullen will testify that Signal transmits text, audio, photos,  
2 videos, and other files using an internet connection. Signal allows users to make voice and  
3 video calls using the internet. Signal users can create and name “group chats” to interact  
4 with multiple users at once. Groups are managed by administrators, who can add and  
5 remove members from the group; edit group information like the title of the group or  
6 whether the messages will disappear after a particular amount of time; and control who can  
7 send messages. Current administrators can make other group members administrators.  
8 Any group member can choose to leave a group, and administrators can delete a group after  
9 removing group members. Users can delete individual messages as well as entire chats.  
10 In some instances, a user can delete messages from all devices that received the messages,  
11 not just the user’s own device(s).

12 Specific to the devices in this case, Special Agent Cullen will testify that FBI was  
13 able to access and view encrypted Signal messages on some of the devices using an  
14 encryption “key.” He may explain some of the Signal data extracted from the devices and  
15 contained in government exhibits. Special Agent Cullen will opine that while FBI can  
16 sometimes restore data deleted from electronic devices and electronic storage mediums,  
17 FBI was unable to recover any deleted Signal data in this case.

### 18 **C. Email and Google Mail Route Tracing**

19 Special Agent Cullen will also testify generally about email and how email is  
20 transmitted from the sender to the recipient through a series of servers using the internet.  
21 He will explain what Internet Protocol (IP) addresses are and how information contained  
22 in the metadata of an email—including IP addresses—can show the route a particular email  
23 traveled from sender to recipient. He will testify that “Gmail” is an email service provided  
24 by Google, an interstate and international electronic communication service provider.  
25 Google provides other services to its users as well, including the ability to make video calls  
26 over the internet, including through the Google Duo application (now Google Meet).

27 Special Agent Cullen will testify that emails sent from the jomiebee@gmail.com  
28 account would have been sent through Google servers using the internet and may testify as

1 to the metadata of certain emails. He will specifically testify about the email “header”  
2 information for an email sent on March 24, 2023 from jomiebee@gmail.com to C.B. Using  
3 header information associated with the email, he determined the email was sent in Arizona  
4 and transmitted through servers outside the state before returning to Arizona.<sup>1</sup> Special  
5 Agent Cullen may similarly testify about the transmission routes of other emails from the  
6 jomiebee@gmail.com account.

7 **II. Request for Notice and Discovery from Defendants**

8 The government respectfully requests notice and reciprocal discovery from the  
9 defendants regarding any expert witnesses the defense expects to call during the trial,  
10 including a summary of anticipated testimony, pursuant to Federal Rule of Criminal  
11 Procedure 16(b)(1)(C). Similarly, the government respectfully requests disclosure pursuant  
12 to Federal Rules of Criminal Procedure 16(b)(1)(A) and (B). The government requests the  
13 opportunity to inspect, copy, and photograph any and all items listed in Rule 16(b)(1) that  
14 defendants intend to use in their case-in-chief at trial. To date, the United States has not  
15 received any such discovery from any defendant.

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27  
28 <sup>1</sup> A Google custodian of records may also testify that Google does not have servers  
in Arizona.

**III. Witness Signatures**

Pursuant to Rule 16(a)(1)(G), the noticed witnesses identified to date have approved and signed this notice and/or any supplemental notices and/or reports in advance of trial.

/s Anita Shah (with permission)

Anita Shah  
Master Digital Forensic Examiner  
Federal Bureau of Investigation

/s Joseph P. Shramovich III (with permission)

Joseph P. Shramovich III  
Senior Digital Forensic Examiner  
Federal Bureau of Investigation

/s J. Patrick Cullen (with permission)

J. Patrick Cullen  
Special Agent and Digital Forensic Examiner  
Federal Bureau of Investigation

/s Joshua B. Arndt (with permission)

Joshua B. Arndt  
Special Agent and Digital Forensic Examiner  
Federal Bureau of Investigation

Respectfully submitted this 12th day of April, 2024.

GARY M. RESTAINO  
United States Attorney  
District of Arizona

s/ Jillian Besancon  
DIMITRA H. SAMPSON  
JILLIAN BESANCON  
RYAN POWELL  
Assistant U.S. Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2024, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following registrants:

Myles Schneider  
*Attorney for Defendant (1) Samuel Rappylee Bateman*

Cindy Castillo  
Jose Antonio Saldivar  
*Attorneys for Defendant (2) Naomi Bistline*

Sandra Kay Hamilton  
*Attorney for Defendant (3) Donnae Barlow*

D Stephen Wallin  
*Attorney for Defendant (4) Moretta Rose Johnson*

Mark Jeffrey Andersen  
*Advisory Attorney for Pro Se Defendant (5) Josephine Barlow Bistline*

Jacob Faussette  
*Advisory Attorney for Pro Se Defendant (6) LaDell Jay Bistline, Jr.*

Gillmore Birch Bernard  
*Attorney for Defendant (7) Brenda Barlow*

Jocquese Lamount Blackwell  
*Attorney for Defendant (8) Marona Johnson*

Loyd C. Tate  
*Attorney for Defendant (9) Leia Bistline*

Kathy L. Henry  
*Attorney for Defendant (10) Torrance Bistline*

Carlos Anthony Brown  
*Attorney for Defendant (11) Leilani Barlow*

I further certify that participants in this case are not registered CM/ECF users. I have mailed the foregoing document by regular First-Class Mail, postage prepaid, for



1 delivery, to the following non-CM/ECF participants:

2  
3 Josephine Barlow Bistline  
4 Reg. No. 51598-510  
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6 Central Arizona Florence Correctional Complex  
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8 Florence, AZ 85132  
9 *Pro Se Defendant (5)*

10 LaDell Jay Bistline, Jr.  
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16 *Pro Se Defendant (6)*